

REMARKS

Consideration and allowance of the present application based on the following remarks are respectfully requested.

Claims 1-83 are pending in the application.

New claims 81-83 have been added.

The Examiner has required the Applicant, under 35 U.S.C. § 121, to elect for prosecution a single disclosed species of claims from each of two groups of species of the invention.

Applicant provisionally elects species 2 from group 1 – endoscopes, and species 1 from group 2 – polymer dispersed liquid crystal devices, with traverse. In addition to the appropriate, already existing claims, new claims 81-83 can read on this elected combination of species.

Applicant, however, would like to recommend an alternative classification scheme.

Species 1, 2, and 5 of group 1 should be combined into a single species corresponding to an “imaging apparatus.”

Similarly, species 3 and 4 of group 1 should be combined into a single species corresponding to an “observation apparatus.”

Species 1-5 of group 1, as established by the Examiner, appear to be apparatus or system oriented, while all of the species in group 2 are oriented toward categories of specific devices or components. Devices defined by one of the species classifications given in group 2 may be incorporated into an apparatus or system defined by one of the species given in group 1. Therefore, Applicant believes that species 6-7 of group 1, which refer to specific devices, should be incorporated into group 2.

Therefore, according to this alternative classification scheme, group 1 can be divided into the following three species:

1. imaging apparatus;
2. observation apparatus; and
3. other optical apparatus.

Further, group 2, including species 6-7 from the Examiner's group 1, should be divided into five different species as follows:

1. optical component using variable refractive-index substance containing irregularly arranged molecules (polymer dispersed liquid crystal, macromolecular stabilized liquid crystal, etc.);

2. optical component using variable refractive-index substance containing regularly arranged molecules (nematic liquid crystal, cholesteric liquid crystal, ferroelectric liquid crystal, etc.);
3. refraction-type variable optical-property element excluding liquid crystal (variable focus lens, variable prism, etc.);
4. reflection-type variable optical-property element (variable focus reflecting mirror, etc.); and
5. diffraction type variable optical-property element.

Using the Applicant's suggested classification scheme, Applicant elects a combination of species 1 – imaging apparatus, from group 1, and species 4 – reflection-type variable optical-property element, from group 2.

Claims 33, 37-49, 54-66, and 69-83 read on the elected combination from Applicant's classification scheme.

Applicant respectfully requests that the Examiner allows Applicant's classification scheme and resulting restriction, with the consequential election of claims 33, 37-49, 54-66, and 69-83 for prosecution, and the withdrawal of claims 1-32, 38, 50-53, and 65-68 from consideration.

New claim 81 is supported in the specification, for example, on page 106, lines 23-26.

An apparatus according to either of new claims 82-83 is schematically illustrated in Fig. 57 of the specification.

CONCLUSION

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below.

All restrictions having been addressed, an early action on the merits is earnestly solicited.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By: 

Henry J. Daley

Reg. No.: 42,459

Tel. No.: (202) 775-9832

Fax No.: (703) 905-2500

HJD/TPT/smm
1600 Tysons Boulevard
McLean, VA 22102
(703) 905-2000